

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CHAMBERS
U.S.D.C. Atlanta

NOV 22 2010

JAMES N. HATTEN, Clerk
Deputy Clerk

TASER INTERNATIONAL, INC., *et al.*,)

Case No.:
1:10-CV-03108-JOF

Plaintiffs,)

v.)

MORGAN STANLEY & CO., INC., *et al.*,)

Defendants.)

STIPULATION

Plaintiffs and Defendant Merrill Lynch, Pierce, Fenner & Smith
Incorporated ("Merrill Lynch") do hereby stipulate and agree, by and among
themselves, as follows:¹

WHEREAS, Plaintiffs filed a motion to compel Merrill Lynch to produce
documents, emails, data, correspondence, transcripts and other materials
("Documents") relating to the Certain Threshold Securities Investigation (the
"Investigation").

¹ Plaintiffs believe that the removal was improper, and have moved to remand this
action to the State Court. Consequently, Plaintiffs have agreed to this Stipulation
only because of the need to address a pending deadline, and this Stipulation should
not be construed as Plaintiffs' agreement or consent to the removal or the
jurisdiction of this Court.

WHEREAS, Merrill Lynch objected to producing Documents relating to the Investigation on the ground that, among other things, the Documents are irrelevant to the claims and defenses in this action.

IT IS, THEREFORE, STIPULATED AND AGREED BY AND AMONG THE UNDERSIGNED PARTIES THAT:

Merrill Lynch will produce by no later than November 8, 2010, all documents, e-mail, data, correspondence, and other materials (the "Documents") sent to or received from the Securities Exchange Commission, AMEX, the Department of Justice or the United State Attorney (hereafter, the "Agencies") in connection with the Investigation, with the exception of transcripts and audio recordings (together the "Recordings") unless otherwise ordered by the Court. Merrill Lynch will also produce all Documents sent or received by Merrill Lynch Professional Clearing Corp. and Merrill Lynch PAX to or from the Agencies in connection with the Investigation, with the exception of the Recordings unless otherwise ordered by the Court.


Plaintiffs will withdraw their Motion to Compel against Defendant Merrill Lynch, dated September 21, 2010 (the "Motion"), by no later than October 28, 2010.

Plaintiffs will not seek sanctions or other relief against Merrill Lynch on the ground that it was required to produce the Documents sent to or received from the

Agencies at an earlier date. Plaintiffs reserve the right to seek sanctions or other relief on the ground that the Documents should have been produced for some reason other than they were sent to the Agencies, and Merrill Lynch reserves the right to object to any such request for relief.

Plaintiffs reserve the right to seek additional discovery based upon information identified, located or ascertained from the Documents. Merrill Lynch reserves the right to object to any additional discovery requests relating to the Investigation on any and all grounds, including but not limited to burden and relevance.

Plaintiffs will not take the position that by producing this data, Merrill Lynch has conceded or suggested that Merrill Lynch Professional Clearing Corp. or Merrill Lynch PAX are subject to general discovery in this case or that their conduct is relevant to the claims and defenses in this action.

☒ Approved ☐ Denied this 19 day of Nov

JULIE E. CARNES
UNITED STATES DISTRICT JUDGE

Dated: October 25, 2010

/s/ John E. Floyd

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